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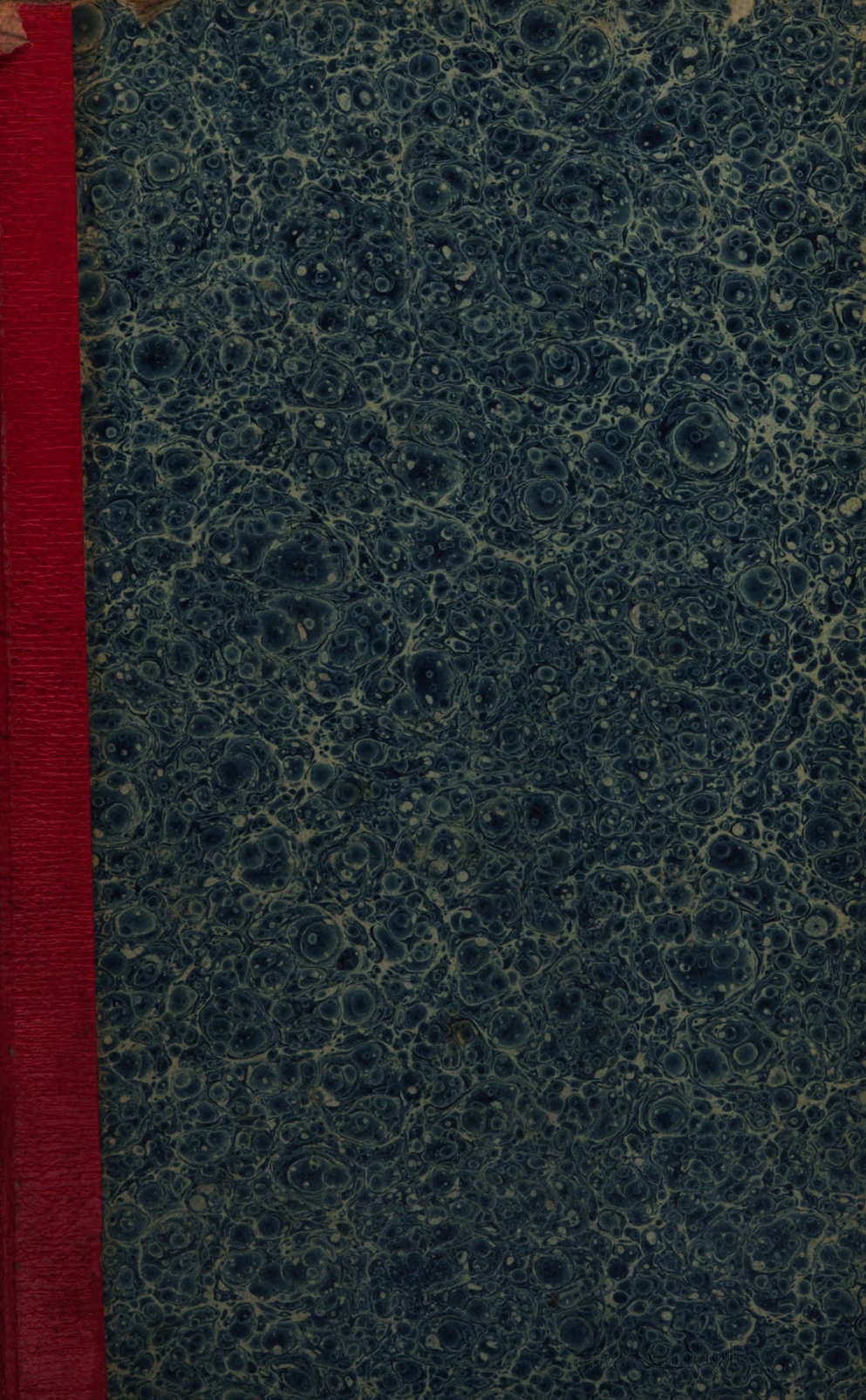
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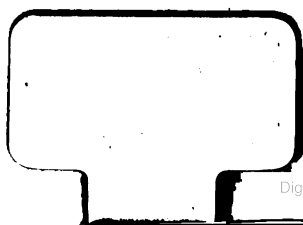
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A P L A N
TO
ABOLISH DUELLING.

“ Spurn out the Duelloes out o’ the kingdom.”

BEAUMONT AND FLETCHER.



LONDON
SAUNDERS AND OTLEY, CONDUIT STREET.
1844.

A PLAN

TO

ABOLISH DUELLING.

As the extirpation of the at once abominable and foolish practice of duelling is confessedly the desire of all parties, it becomes the duty of the government to meet, or rather accompany, the fast-forming public opinion on the subject, if a feasible method of prevention can but be ascertained; but as most of what has been written on the topic has been in too brief and passing a form to embody all the principal arguments in any one essay, I here purpose placing, in one somewhat elaborate view, the entire question in its most important bearings; and especially to demonstrate the *uselessness* of the Duel, as a means of really advantaging any party concerned in it.*

* It may be as well to state here, that the whole of this pamphlet, save the small portion which obviously refers to recent discussions and transactions, was in manuscript fifteen years ago (the publishers can vouch for about *ten* of those years), and that, therefore, my arguments and propositions are not mere

Assuming, then, that, as it is an immoral procedure, the arguments, *quoad* that immorality, which have been urged for its discontinuance, are generally acknowledged to be irrefutably strong; my aim, in the course of the present discussion, shall be—*first*, to shew the absurdity of the duel with reference to all those social and worldly points in which, when superficially or partially viewed, it appears to be effectual; and, *secondly*, to suggest the means of its eradication, and to demonstrate the facility with which government might apply those means for the speedy attainment of so desirable an end. There are at present but two plausible reasons—plausible, as modern society is constituted—for countenancing the practice of duelling—viz., the care of reputation, and the circumstance of there being no legal redress obtainable for such personal insults as commonly impel men, in a certain sphere of life, to have recourse to it as a remedy. To do away with these two arguments, we have first to prove, that honourable reputation is not, in reality, either supported or cleared by our killing, or attempting to kill, the person who attacks it; and this will be a task of no great difficulty, where we have not the prejudices of the multitude arrayed against us. If,

copies of those now being adduced both in and out of Parliament. As, however, the subject had been handled by both moral and political writers before my time, I never professed to advance new reasoning, so much as to *focate* what had already, in various forms, been urged.

for example, a person denominate me a liar, or a scoundrel, whether in direct or in circuitous terms, he asserts what is either the truth or not the truth. If the former, my shooting him cannot, by any possible mode of reasoning, be held to make me less of a liar, or less of a scoundrel, than I was before; though it will superadd the crime of homicide to the guilt of falsehood. If the latter, it will be he who will prove the liar; and his being shot for *that* will not add one iota to the extent of his mendacity, nor to the untainted purity of my previous character, which, however, his needlessly and vengefully shed blood will stain, though his bitter tongue had failed to injure it.* This is an argument which cannot be refuted by reason, although it has long been disregarded by fashion; and from it we may derive, as from an abundant source, the whole of our demonstrations of what we desire to prove—the absurdity of the duel as a remedy for injuries not punishable by the laws of the kingdom.

* I know I may here be answered that, although the death of my calumniator (and still less my vain endeavour to kill him) can neither prove nor disprove the truth of his remarks; yet the fear of incurring that penalty will, in a great measure, deter one man from ever wantonly affronting another; and further, as there is no cause of determent so good as that, therefore it is both a necessary and a beneficial instrument of retribution. This would be a better argument than it is, if only the offender incurred the risk of the punishment; but at any rate, it will lose all its force when a still better determent shall be substituted, and a still better, I hope, to be presently enabled to suggest.

I have taken for my example the offence of giving, either in terms or by implication, the *lie*, because that is the one which is ordinarily the cause of the condemned practice; but there are two other offences against honour, which, as they are commonly deemed expiable only by a determined endeavour to shed the offender's blood, deserve a few words of distinct consideration, to shew how they, too, come within the foregoing line of argument, and make the remedy as absurd, in regard to them, as it has already been proved to be in regard to the imputation of deficient veracity. I allude, as will have been anticipated, to the accusation of cowardice and the giving of a blow. If to give and receive the fire of a pistol, under the manifest and numerous chances of escaping uninjured, and the still more numerous chances of being but slightly hurt, which all the laws and customs of duelling afford, were an indubitable proof of genuine courage, then might the sending or accepting a challenge be sufficient to disprove the allegation of its absence; but not only is the reverse of this the fact, but the mere circumstance of going out is so frequently brought to pass rather from a want of moral bravery, and from the consequent apprehension of pseudo shame, than from an innate principle of veritable courage, and likewise so often arises out of strong feelings of temporary desperation, and evanescent resolve, that it is no more, *per se*, a proof of true spirit to go out and fight a duel, than it is of true love to solicit the hand of

a woman in marriage, in a case where various other reasons were influential over the suitor.

I am acquainted with one instance, and have (as, probably, many besides myself have) learned of others, well authenticated, in which an officer misbehaved himself grossly in action, who not only had fought a duel, but who would have preferred fighting another to standing a Court Martial; and, *vice versa*, the instances are numerous of men of undoubted, because often proved, bravery, refusing to fight a duel, under circumstances of even the greatest aggravation. For my own part, if I had reason to consider a man to be devoid of the spirit necessary for the undaunted endurance of great and probable danger, my opinion would not be the least qualified in his favour by the circumstance of his fighting an ordinary duel; for though a truly intrepid man would not fear an adversary in an engagement of that nature, any more than, nor so much as, he might dread a daring enemy in the field of battle; yet a man of little or no real spirit will meet the former species of opponent, who would incontinently quail beneath the fiery regard and the determined arm of the last named adversary. In truth, it must, after a moment's reflection, or without the preparation of any reflection, be acknowledged, that the chances of escape in modern duels are far too numerous to admit of such a contest being made a criterion of the better sort of courage; for while those chances are almost incalculable on the side of escape with life, even after

the duellists have taken their ground, there are, besides, so many other chances and reasonable hopes, between the occurrence of the dispute and that of the meeting, that the *last* act of the farce, or tragedy (as the event may constitute it) will never be performed; that the exertions of friends, the natural desire of principals, the watchfulness of the police, and similar impeditives, will bring about a timely reconciliation or interpose an effectual obstacle to the combat; and so many *other* chances that, after *one* harmless exchange of shots, the difference will be adjusted, and the belligerents appeased;—in fine, so many chances and rational expectations, from first to last, that *blood will not be shed*, while a certain degree of mere *bubble* reputation will be acquired, or an entire one preserved (according to the current and foolish notions of the thing) by a risk so trifling, that it is little better than puerile to calculate a man's courage (especially a challenger's, who, if he have been deeply aggressed, may rely on his opponent's firing in the air) by the not rare fact of his having been nearly or remotely concerned in a duel, or the more atrocious voucher of his having killed his man. For, as to this last position, the person slain may possibly have been the braver, as well as the least blameful of the two; and, moreover, a timid tremulousness, as well as a resolute steadiness of hand, may have absolutely occasioned the mortal catastrophe. Add to this the fact, that a man may be an infamous scoundrel, or a notorious liar, and yet have plenty of physical

courage, and we have another illustration of the efficiency of the duel in establishing a reputation, in the true meaning of the term. Such a man might "post" another, in every proper sense his superior, for refusing to fight with him; and I have myself known such a course pursued by one who was, very shortly afterwards, clearly proved, before a competent tribunal, to have been an embezzler and a swindler; the posted person's knowledge that the other *was* so, having formed the chief ground of his refusal to meet him upon terms denoting equality of character. As to the courage of fighting a duel, is there a single reader, who is capable of thinking soundly, and who has any insight into human nature, who will not concede that a downright coward may perform, and has performed, that boasted act of bravery? He who is morally a coward will often do it, in order to avoid the contempt or ridicule of his companions; and the modicum of courage in the constitution of him who is physically a coward may be wrought up in many ways to a temporary pitch of resolve, sufficient to make him prefer the slight risk of danger which a duel exhibits, to the fear of ruinous exposure which may otherwise ensue, unless the opposite party be silenced by virtually allowing the innocence of the really guilty one—manifested, forsooth, by a meeting! In fact, desperation, however occasioned, will impel the coward to fight; for he only chooses that which to his own mind and feelings is the least of two great evils; and thus, as there is no courage in knavery,

a blackleg may be also a poltroon, and yet would (as recorded instances prove) prefer fighting a duel to the exposition of his conduct. I knew a person who was, in every sense, moral and personal, a rank coward. I knew him as boy and man. At school he would never venture to defend himself from a boy of half his age and strength; he would skulk away, through fear, from even those pitched battles so often occurring between collegians and townsmen, and in which, emboldened by the aid of numbers, some boys join who would not combat singly; he was terrified in darkness; and was, in a word, an utter dastard. He was destined for the army, and duly entered it by purchase; and I afterwards heard, authentically, of his having fought a duel, and wounded his antagonist in the leg, by a species of ricochet—his ball having first hit the intermediate ground! Whatever induced or encouraged him to fight that duel, I am sure it was not courage of any description; but probably the threats of his comrades gave rise to a greater fear, that of being cast out at once from his profession and his home, and having no place of refuge or means of subsistence.

Apprehending that I have said enough to convince the reader, that although a brave man will often fight a duel, it is not true that a coward will always shrink from doing so; and therefore that the act is not enough to establish the existence of a disputed courage, nor is even good presumptive evidence of that existence; and still less that such a combat cannot add to a character for courage

previously acquired by good conduct in the field, or presence of mind displayed in some imminent jeopardy, nor take away from a just imputation of cowardice grounded on misbehaviour before an enemy, or a manifested paralysis of spirit in the face of some other obvious danger; and that, therefore, from these several considerations, a consequence naturally flows in support of my proposition that a duel is neither a complete nor a partially good remedy for the species of insult imputative of cowardice;* I shall proceed to consider the effect of such a system in affording the assaulted party due atonement for a blow, or other personal violence. I must first, however, take the occasion to observe that I am not aware of the precise nature of the disgrace which ensues from such a violence; and I think he who shall start, on coming to

* For my own part, I cannot imagine how a duel is to end (to make it worth anything as a remedy!) if began upon the ground of one man's calling another a coward, without a much longer process than the one usually resorted to. For if a man denominate me a coward, and I call him out, I prove, (agreeably to the dueller's logic,) by receiving his fire once, or oftener, that I am *not* a coward, and that, consequently, he who said I was one, is—A LIAR, and a very inexcusable description of liar too; for he has asserted that, roundly and confidently, which he could not have known to have been true at the time he uttered it. Very well. If I, by having fought him, am cleared of the imputation of cowardice, he is necessarily saddled with the falsehood; and what is to ensue? I leave the dilemma in the hands of those who uphold the duel as a practical test of character, and who will perhaps give a reason *why* one man may wantonly call another a coward, have the additional privilege of doing his best to shoot him, in proof of that assertion, and yet go unpunished by the reprobation of society, in the event of the other's ascertained courage convicting his mean calumniator of mendacity.

this assertion, thinking it unheard of, and wonderful, in a case which *he* may conceive to be so plain, will yet, upon consideration, find it difficult to solve the question by defining the disparagement. I know that, in certain cases, it is deemed derogatory, but I would fain be informed in what precise shape it is in which the disgrace attaches to the party assaulted. If, indeed, such party's conduct have been so flagrantly bad as to merit corporal chastisement, it is the conduct which disgraces him and not the penalty, which, *itself*, is only degrading by having been deserved. An innocent man is not disgraced by an unjust and a despotic infliction, no matter how dreadful that infliction may be; but if his deeds were such as to call for the penalty, then he was disgraced *before* it was inflicted, and *would be* disgraced though the injured party excused him. There are many who think that Russell and Sidney were ennobled rather than abased by having suffered the ignominious penalties of treason; but such opinion can only be tolerated as being grounded on their actual innocence of so detestable a crime; and although I have strayed into a mention of public offences and legal punishment, yet it is plain that the principle applies to the circumstances which I am laying before the reader. The infliction of an assault, by hand, stick, or horsewhip, is always *intended* as a punishment for some imagined or positive offence, or is the odious result of an ungoverned disposition to create a quarrel. If the first of these, I have shewn that where the offence *de-*

serves the infliction the disgrace flows from the offence; and if the second, or that part of the first which involves an unmerited violence, it must be abundantly clear that if a blow were *then* taken to disgrace the receiver, the reputations of the most brave and honourable would be laid entirely at the mercy of the ruffianly and the irascible. If it be urged, in reply, that the disgrace of a blow is washed out by the shedding the assailant's blood, or perhaps, by the mere attempt to do so; I rejoin, that the blow itself may have been caused by a previous refusal to fight a duel, on the score of the questionableness of the challenger's character, and in a case of that description how is the point to be arranged? I can readily comprehend the degradation of being *truly* denominated a liar, or a villain, because there my moral character is touched, and I am rendered unworthy of the trust and companionship of my fellow-men; but nothing in the world is more susceptible of proof than the proposition that neither my character as a moral, or a brave, or a generous, or a loyal, or, in a word, a worthy man, can be at all impaired by my being brutally struck with a bludgeon or a fist. The bodily harm is easily ascertainable, but that done to the character I am unable to demonstrate, supposing my previous conduct to have been that of a gentleman. Let a definite case be put. Suppose A has a dispute with B, whose character and conduct he fully and fairly succeeds in demonstrating to be despicable. B chuses to think that a duel with A

will tend to re-establish his credit in the minds of their associates, and under that idea, he transmits him a defiance. A declines, after the light in which he has exhibited B, and in the conviction that that light is the true one, to reduce himself to B's level (as he *could* not raise B to his) by accepting the challenge. This probably, and naturally, enrages B more, by rendering his chance of restoration more hopeless, and he desperately resolves to force A to meet A. With this intent B takes an opportunity to assault A ; but A hands him over to the laws of the land for the outrage ; and now I wish to know which of them is the person disgraced by those occurrences ? Such a case has no doubt frequently happened in society, but then it has seldom been judiciously and dispassionately investigated ; for people have been over apt to think a duel wipes away all such stains, and also to think that the person declining that ordeal is swayed much more by conscious fear than by conscious rectitude ; and although instances have likewise occurred of a blow having been given in a manner and under circumstances less discreditable to the assailant (such as in a fit of sudden and provoked passion, or under the temporary excitement of wine) yet there is not one case in which the act is in consonance with the character of a gentleman, nor, consequently, in which it can really inflict dishonour upon any one whose previous conduct has not dishonoured him itself.

And a still closer investigation of the principles of the argument will tend yet further to make apparent the injustice of the stigma. Every gentleman will concur with me in thinking that there is no law of honour which renders it incumbent on me to return the blow of, or to call out, a prize-fighter, who should attack me in the street; and that I might, therefore, give such a person in charge to a constable, without risking the loss of any part of my character as a man of ordinary courage. But this can be maintained on the principle, only, that I shall be more disgraced by fighting with an inferior than by taking the law of him;* and then I involve my opponent in this difficulty,—to wit, am I to fight, pugilistically or otherwise, with one in the rank of a gentleman, because he has performed the appropriate act of a blackguard or a ruffian? If to use the fist be an act becoming gentlemen, why ever have recourse to fire-arms, save in cases of inequality in bodily prowess? If such conduct be *unbecoming* gentlemen, then he who strikes first is the degraded person, with whom the other does not become equally disgraced, unless he return the blow or the attack,

* But if I be excused from fighting him on account of his superior science in that particular art, the same rule would excuse me from fighting a duel with an unerring shot, or an experienced swordsman; for the very inequality *there* exists, which it is made one argument (an obviously futile one, however) in favour of the duel, that it tends to do away with. It will screen me from the superior personal strength or fistic skill of a person, while it exposes me to the more fatal danger of his practised weapon!

where to do so may not be absolutely requisite to protect himself at the moment from a greater outrage. The *gist* of the thing is plain. If a man pick my pocket, or cheat me at cards, *I* am not thereby rendered a sharper or a thief; either or both of which I become the instant I determine (and act accordingly) to retaliate in kind; and the principle holds good in regard to a blow, or any other action derogatory to a gentleman. But if it were allowable to give a blow for the perpetration of a disreputable deed, it is the deed, and not the blow, which inflicts the moral stigma; and, on the other hand, if the blow be *not* merited, the firing at the assaulter gives me no redress whatever; for he rather acquires honour by standing the shot, and if the ball enter him, it thereby confers no good upon *me* (probably gives me great mental anguish) and for me to have his ball in my body would be of no benefit to me either; while if I missed him entirely, and he virtually disarmed me by firing in the air, where would be my compensation for the ill treatment I had received? If it should be argued, as probably it will, that, hit or miss, society has conventionally consented to look upon the fighting a duel as, *per se*, sufficient to sustain or re-establish the reputation which might otherwise be tarnished; and that the duel is a form, the going through which is looked upon as enough to save a gentleman's character;—that when violent or abusive language is used, in the heat of quarrel, or the bitterness of animosity,

the world does not *therefore* consider it applicable, nor as attaching greater discredit than what such form can restore;—my answer is, then let society adopt some less morally and legally objectionable form; and bestow on *it* the healing and abstergent virtue of the bloody or the bloodless duel; for by the *opinion* of society will the members of it be guided, whether that opinion be for evil or for good.

Having thus endeavoured to prove, that the three principal (and, by consequence, all minor) offences against the code of honour—namely, the striking a blow, the imputing of cowardice, and the giving of the lie, or other opprobrious epithet—are not disgraceful when unjustly applied, nor, in the opposite case, cleansable by the aggressor's blood, nor, in any degree, truly remediable by the process of duelling; I go on to shew how a better and juster mode of redress might easily be established by public efforts, without giving rise to the slightest confusion, or infringing any law of the land. Our ancestors were wiser than we are in as many points of one kind, as we are wiser than they were in others; and, among the rest, the ancient institution of "trial by battle" had much more of reason in it, to their more superstitious minds, than the modern duel has to our, in a religious respect, more enlightened judgments. It was consonant to, and consistent with, all their ideas of miraculous interposition on the part of the Deity, and all the tenets of their

pious belief; whereas the modern duel is at diametric variance with our every notion upon religious subjects. It was sound reasoning in our forefathers (from the undoubted doctrine of supernatural agency in the protection of the right, which they were uniformly taught) to believe in the guilt of the party who was vanquished; but among us the same species of ratiocination were absurd; and we, who recently abrogated the olden law, I may almost say in derision of its formerly alleged infallibility (on its having been appealed to in a case of murder) should experience some sensations of shame at our own ready acquiescence in the doctrine of a far less solemn and reasonable duel being capable of clearing away a charge of falsehood, or restoring the purity of a degraded character. But I believe I may take it as on all hands an admitted fact, that duelling is an unreasonable method of deciding the merits of any disputed point; that it is tolerated only because there is no other mode in use of taking up the protection of one's fame as a gentleman, at the point where the law of the country resigns its care of it; and that it is looked upon to be one of those unavoidable evils which cannot be eradicated without the risk to society of introducing others of still greater magnitude. With respect to duelling, I think *that* is, in substance, the reasoning of all men who are affected by the practice, and it is farther urged, in palliation of the system, that fatal results very rarely ensue from it, so that it satisfies honour without, in a great degree, endangering life. This

last argument is, to be sure, a palliative; but then it makes the custom appear extremely puerile, even considering that it is adhered to by men of sense and character; and, indeed, there is both more reasonableness and more fortitude in the primitive mode to which boys and the lower classes of men resort, on occasions of difference, than in the high-sounding duel of their seniors and superiors. When I see a boy or a man contending pugilistically for what he is pleased to consider his honor or his right, and receiving, in defence of it, great bodily injury and pain, both of which his principle of contest enables him most manfully to endure, even to an extremity; I cannot help entertaining a higher respect for his courage and fortitude, than I could possibly do for those of a man who met an adversary in a duel, fired, and was fired at, without any effect, and then left the field as unscathed as he went into it. Such a man, it appears, however, would thus vindicate his honor more completely than the younger or the humbler disputant; but which would *suffer* most in maintaining the cause, and, so far, evince the most truly heroic spirit, will not, I apprehend, admit of any question.

We have now three important points which, without assuming overmuch, I think, I may call conceded—viz., the unreasonableness of duelling, its inefficiency, and the necessity for some institution, less exceptionable, in the place of it; and it only remains for me to propose the

substitute. For this salutary purpose a COURT of HONOR at once presents itself; a species of judicature which has certainly been contemplated and recommended before, but one which has never been gone into in detail, for the purpose of demonstrating the ease with which it might be established, and the certainty with which it might be rendered efficacious. Men have exclaimed, that such a court sounds well in theory, but that its decrees would be mere dead letters as to practice; and this dictum seems to have been acquiesced in by the rest, without any adequate inquiry into the extent of its correctness. I think it the easiest part of a question, the whole of which I have found sufficiently easy, to prove the contrary of the foregone assertion; that is, to prove that nothing could more easily be reduced to practice than the following theory of a Court of Honor.* Of such a court, in the first place, all our laws upon the subject are already in favour; for both our civil and our military codes unqualifiedly and penally denounce the practice of duelling; therefore the government would find no difficulty in insuring full effect to the decrees of a Court of Honor, the same as to those of a court-martial; and as the army (the military and the naval bodies) is the school, and its members the almost natural guardians

* It would be only, indeed, giving legal form and imperativeness to the recommendation about to be made in the articles of war, that disputes between officers should be arbitrated by the commanding officer—a recommendation which adopts the *principle* of my proposition, though with but little of its practicable effectiveness.

and arbiters of honor, it becomes nearly indisputable that if duelling were effectually abolished in the army, it would simultaneously cease throughout the rest of the community. I am justified, by the orders and enactments of both, in believing that the Sovereign and the Parliament are equally and naturally anxious to extirpate the ceremony of the duel from the land they govern; and a belief so justified, authorizes another (which flows, indeed, as a corollary from the first) namely, that the requisite legal authority to enforce its decisions and perform its other functions, would be readily bestowed by both those powers, on any new tribunal which, in other respects, appeared, to their united wisdom, to be of unexceptionable construction. I am happy to think that, save in name merely, a Court of Honor would not be a new, nor hitherto an unauthorized tribunal; for a military reader must be well aware that a court-martial is considered, in the Articles of War, on the subject of quarrels and challenges, as the proper tribunal for deciding upon all such matters between military officers, who are (in vain, it is true, but yet who strictly *are*) prohibited from sending, carrying, or accepting challenges, on pain of being cashiered for the transgression. So that my proposition innovates no farther than to have a court expressly for a purpose to which long experience has shewn a court-martial not to be equal, and yet for which all agree in thinking that an effectual provision should be made. Nothing will be necessary, as far as regards the army,

beyond an additional section in the Mutiny Act, followed up in the Articles of War, authorizing commanding officers of divisions, fleets, brigades, ships, regiments, or detachments, to assemble, when necessary, a 'Court of Honor,' for the purpose of investigating and deciding upon all disputes, affronts, &c., which take place between any of the officers; and so summary should the checks upon duelling be, that the said commanding officers should be empowered at once to suspend from pay and duty any officer who either refused to attend the summons of the court, submit implicitly and instantly to its decree, or presumed to take any measures whatever for redress, other than those which should regularly be awarded.* It will not at all do to make a law which may be trifled with or evaded; for we have experience enough of the futility of such rules in the little use the present ones are of, which, though most strictly and severely worded, are yet rendered nugatory by being so infrequently, so laxly, and so partially enforced. The regimental or detachment

* If the legislature should duly institute Courts of Honor, both civil and military, making the former convenable by sheriffs, mayors, and other similar local authorities, all disputes between civilians, or officers and civilians, might be investigated before either the one or the other court, or by a mixed court; and heavy fines and imprisonment might be authorized on all challengers, and the full penalty of murder, *without fail, or chance of pardon*, be the offender of what rank and influence he may, and without reference to the *cause* of the duel, upon every one concerned, directly or indirectly, in a death by duel. The fighting even a bloodless one being already a felony by the laws of the land (*vide* 1 V. c. 85, s. 4, and other acts corresponding) should moreover invariably receive the punishment devised for it, without partiality, favour, or affection.

Court of Honor should be composed of the three officers next in rank to the one in command (where one of the three was not a party to the dispute) and it should have all the power as to evidence &c. already possessed by the existing military courts of justice. From the nature of the cases which would come under its cognizance, it should necessarily have the power of decreeing dismissal from the service; and an offence of so flagrant a nature as to merit that award, under the new arrangement, would not be likely, and certainly ought not to be eventually screened from the penalty by the confirming authority; for it is barely possible to conceive how an individual thus sentenced by a Court of Honor, in consequence of an outrage on its nicest laws, could ever be deemed worthy of re-instatement in the army.*

It is obvious that the inferior awards now in use, such as loss, or (in the Company's army) suspension, of rank, would not be appropriate for this court to pronounce; because, where the offence was not of a nature to require the infliction of absolute dismissal, its lesser expiation should consist of apologetical ceremonies, more or less

* And any officer sending, bearing, or accepting a challenge, should be taken and deemed to be, *ipso facto*, rendered incapable of remaining in, or ever again returning, in any shape whatever, to her Majesty's or the public service. Let it but be seen that the law is made *in earnest*, and it will very speedily be earnestly obeyed. Let some person be hanged for having killed a man, in even the most fair duel, or be transported for having drawn, or offered to draw, a trigger, with the intent to do so, and there will be an end to the pseudo chivalry directly. Let the law, on the contrary, *once* be evaded by means of rank or interest, and it had much better never be enacted.

public, qualified, or humiliating, agreeably to the nature and degree of the specified deviation from gentlemanly behaviour, of which the party or parties might have duly been convicted. There is scarcely an imaginable offence against decorum, from the simple and unpremeditated but ill-mannered contradiction, or the almost involuntary sneer of disregard, to the unexplained and abrupt discontinuance of intercourse; and upwards from that, to the ruder *lie*, the more elaborate and vindictive vilification, and the *ne plus ultra* of ruffianism, a blow, which might not be atoned for by a suitable degree of expiatory punishment; from the simple verbal apology, up through the written and published acknowledgment of misconduct, to the *ultimum supplicium* of disgraceful and irrevocable expulsion from the service. From before such a tribunal, how much more humbled would an offender—how much more proud and gratified would a justified complainant—return to his brother officers, than would be, or ever is, the case with either, in the event of a duel, which, in fact, had left both their reputations as unsettled as it found them, and which had not decided, and could not decide, anything more than—which was the more expert or the more fortunate marksman! While in such an institution I see much to recommend, I cannot observe a single disadvantage. The assembly of a Court of Honor would not often be requisite, for it is not often that gentlemen have serious disputes; and

when it should be required, there would be neither trouble, nor delay, nor expense, in convening it. To render it, in fact, the most efficient court ever erected for a specific purpose, nothing more would be requisite than to give it plenary authority within the limits of offences against good manners; and not only would all officers readily resort to it who feared not the result of investigation into their conduct, but every one would become extraordinarily careful not to render offence, when nothing but the justice of his cause and the gentlemanliness of his behaviour could screen him from the degrading punishment of a guilty person. Although I have not spoken of any but minor Courts of Honor, I intend that more general ones should be convened, precisely as are courts-martial (only that the number of members need never exceed five) for the adjustment of differences between officers of the superior grades, and that the same penalties of positive dismissal should attend even the very highest in rank, who dared to make an appeal to arms, on any pretence whatever, while in the receipt of pay, or in any situation that would at present subject him to military law. For it cannot be too often repeated, that undeviating and impartial strictness in applying the proposed rules can alone insure the complete eradication of the deprecated evil.

I cannot, for a moment, doubt that it is the sincere desire of the Government, and of every rightly-thinking

person, to put a period to a sanguinary practice—a practice, at least, always sanguinary in intent—which the Sovereign's especial, though futile, commands have prohibited—which the principles of an obedient and loyal soldier must condemn, and which the avowed sentiments of the best and bravest have vituperated; nor can I imagine anything so compatible with all these feelings as the adoption of some remedy, more effectual than any hitherto adopted, for a case which is in every point of view so highly reprehensible. It were, indeed, difficult to instance a situation of greater hardship than that in which the Articles of War place an officer in respect to the crime of duelling. They command him, upon pain of being cashiered, neither to accept, send, bear, nor at all be concerned in a challenge, upon any account whatever; and solemnly assure him, that his obedience to the mandate shall be taken for a high proof of his being a good and meritorious soldier; and yet the fact, in practice, is, that if he refuse to accept, or hesitate to transmit a challenge, on all those occasions which his brethren think require it, he is far more sure to be cashiered or dismissed than he is for disobeying the positive injunctions of his Queen, and violating the sacred institutions of his country! I have met with no recorded example of an officer's being publicly commended for refusing a challenge, save where it was the consequence of some act committed by him in the due exercise of his military

duty ; so that, in plain truth, the chief authorities do, to all intents and purposes, encourage, and even hold out a premium for the breach of their own unqualified orders against the perpetration of the worst species of felony ; I say the worst, for the highway murderer, the forger, and the burglar, have all a better excuse for *their* crimes than the duellist can have for *his* ; save, indeed, that a military duellist will most likely lose the service (probably, and usually, the sole support of his family and himself) if he abstain from fighting in this way, when it seems he ought to fight, in full opposition to the injunctions of his Sovereign, and in violation of his solemn pledge, on receiving his commission, to obey most strictly all commands of his superiors.

Without turning this paper into too ethical a course, I may observe, that though the perpetration of murder is against every law, human or divine, yet homicide in proper self-defence is not contrary to any law ; and that hence arises the miserable evasion, by the duellist, of the penalty against murder ; for, in all cases of fatal duelling tried under that indictment, so long as nothing appears from the evidence to have been opposed to the rule of fairness, as applied to all that description of contest, a jury will never think of returning any verdict more serious than that of manslaughter ; nor does the judge really desire them to do so, though he lays down the law as applicable to murder. This lenity is the result of a

wretched fiction of law, which assumes, that the survivor killed the other in self-defence, because the previous deliberate occurrences are not regularly elicited during the trial. If they were, it would be impossible for a jury to return, without perjury, a qualified verdict; for in no case of criminal bloodshed that can be named are there more prepense intention, and less inducement, than in that of the duel; because in no case whatever does the offence given in a personal dispute (in no case *can* such offence) require to be atoned for by the death of the offender. The worst language that one man can use against another—the most grievous assault that can be made (short of its infliction with *intent* to maim or kill) cannot be so enormous, either in its application or its effect, as to render expiation by blood indispensable; and to this doctrine the duellist himself is, in a great degree, a practical conformer. He would be shocked at a proposition, even suppose the law were so barbarous as to sanction it, to the effect that his opponent should be made to stand close to him, unarmed, to be shot by him for his outrage. He says, ‘No; instead of going close up to him and killing him, I shall place him twelve paces from me, and *there* I shall blow his brains out if I can; he being allowed, however, to slay me, in like manner, if he can manage to do so.’ He effectually admits that his offender deserves the punishment of being shot (that being the *intent* of the meeting) and yet he considers

that he, the injured party already, must run an equal risk of being the killed or wounded one also! But the absurdities of the system meet us at every step. We demand blood for the less injurious description of offence, while the laws of Heaven and earth exact it for none except the most atrocious; and the administrators of our country's laws combine to sanction the imposition of death for faults which the law itself could not reasonably bring within that ultimate penalty. In truth, there is not even the imperfect excuse that may be offered for a murder by a highwayman or a burglar, to be urged in favour of the destroyer of his fellow-creature—his acquaintance, and perhaps his friend—in a duel. If, indeed, the weapons were always resorted to in the heat of the dispute, and the conflict terminated, however fatally, while yet the blood boiled, and the mind smarted under the taunt or the indignity of our rival, there would be the weakness of human nature, and its manifold infirmities, to palliate the enormity; but the fact is scarcely ever so. There is first the quarrel, then separation, then reflection, or abundant time for it, then the consulting with a dispassionate friend, then the defiance, the preparation of weapons, the adjustment of all preliminaries for the field, and lastly, the meeting,—generally without any new cause of provocation, or new appliances to keep up the angry spirit. Before the last scene of all, the efforts of friends towards a reconciliation are renewed, and fail;

while all this time there is probably no longer any rage in the breast of either combatant, both of whom, nevertheless, endeavour to kill each other, after all this cool and meditating preparation; and whether they fail or succeed in their murderous design, each is presumed to leave the field with an increase to his character of honor and courage—not needed, or not deserved; and, in neither event, legitimately accruing from his sanguinary intentions.

Indeed, all our notions on this subject are ludicrously inconsistent; and surely not the least of these inconsistencies are the following—namely, that a man may refuse to take a voyage, for the avowed reason that he is afraid of the sea, or, in other words, of being drowned; that he may evince the most pitiful cowardice in case of his house catching fire, or any similar danger; that he may yield up his purse to a single footpad, while resistance lay in his power; that he may lose all self-possession (the most undoubted symptom of fear) in the hour of some sudden and imminent danger, and even abandon his wife and child, or his friend, to save himself by a dastardly concealment or an ignominious flight; that “his coward lips may from their colour fly,” on the apprehended approach of death upon the bed of sickness; in fine, that he may evince the most positive fear of death, on a myriad of occasions, when a truly brave

man would look it calmly in the face; and yet not only not be scouted and banished forth from society as a poltroon, but even be entitled to the *credit* of courage, forsooth! and, what is yet more preposterous, be entitled to call a man who has endured one or more of the above-mentioned tests, a coward—provided the former is willing (or at least content, in dread of public shame) to stand the almost riskless consequence of a chance-directed shot; and that the other, the really brave man—the hero in a danger that was to all appearance certain—is *not* willing, or does *not* think fit, to comply with the requisition! After that reflection (and the case has occurred more than once) who would value a courage that had nothing but an ordinary duel upon which to rest its claims; and of two such men as I have above described, which would a commander be disposed to trust with the conduct of a dangerous or a desperate enterprize? We, moreover, condemn duelling in the abstract, and we pity, somewhat contemptuously withal, but never applaud, the memory of the person slain, though we pay augmented deference to the man who has killed him; and finally, we despise and drive from our society the person who refuses to give or to accept a challenge, in cases where his adversary has not forfeited his conventional pretensions to the usual satisfaction of a gentleman! Among our nobility and gentry, how many sporting characters are there who

have repeatedly performed dishonest actions, whom *we know* to be knaves, and whom we would not voluntarily trust upon any consideration; yet unless their conduct be flagrantly bad, we must not arraign it, so long as they are ready to meet us in a duel; but let them decline to do *that*, and they immediately receive the punishment of rejection and contempt, which was, in truth, long before due to their moral dereliction. Yet the law of the land denounces the subject as a murderer, and the Sovereign superadds the stigma, to a military servant, of his being a bad and an undutiful soldier, for doing that which the very framers of the law, and the chief magistrate who administers it, would affect to despise him for hesitating to do! As a support or vindicator of honour, the duel can hardly be considered, after the reflection that men known to be essentially dishonourable may appeal to it, and yet certainly continue as polluted as before; and as an asserter of courage, I have, I trust, said enough to deprive it of that high distinction,—if having fought a duel, and particularly a harmless one, be *all* the proof of bravery that a man can bring forward in support of his claims to the possession of that quality.

The most distinguished of our former and of our living heroes were not, and are not, known to the admiring world as professed duellists, nor have those who had not moral resolve enough to avoid that ordeal (such as, *proh pudor!* the Dukes of York and Wellington) acquired

any increase of reputation by their occurrence.* Such names as Marlborough, Eugene, Peterborough, Saxe, Argyle, Turenne, Washington, Hill, Graham, Beresford, Paget, Cole, Murray, and numerous others of the army; Duncan, St. Vincent, Howe, Rodney, Benbow, Nelson, Collingwood, Hood, Smith, Exmouth, Hardy, and a host besides of the navy, did not acquire any part of their immortal reputations by having engaged in duels; and most of them have, at one time or other, in their responsible capacities of commanders-in-chief, and the like,

* Among the numbers who admire and venerate the character of the Duke of Wellington—numbers so great, that *not* to admire and venerate that character is but the exception to the rule—there is not one who more highly estimates it than I do; but yet I feel bound to declare, on an occasion of this kind, that I never heard of a challenge in which *so little* excuse existed for the act of the challenger, as in that which *he* transmitted. Not one of those causes which urge men of defective moral courage or temper to such a procedure operated in his case. The Duke had the highest character for integrity to rest upon, and he knew this; nor could he have, for one instant, apprehended that what Lord Winchilsea urged against him could have attached to his character as a gentleman. Neither, certainly, could he have feared that had he *not* taken a duellist's notice of the imputation, the public would have attributed the forbearance to a want of courage; and, lastly, he could not have supposed that whatever Lord Winchilsea said of his political conduct could have been weakened in its truth by his fighting with his lordship. Not one of the pleas, in fact, that are deemed at all justificatory in such cases were good in the Duke's case; and he could not but have foreknown that the example he was setting must have operated strongly in the promotion of a practice which he, as the head of military society in the country, ought especially to have discountenanced. Nay, I will say more, though it may appear to fall into undue severity of censure:—I will say, that not only did his Grace, in point of fact, incur no risk in calling out Lord

taken every fitting occasion to reprobate the practice.* If a duel even necessarily led to the punishment of the blameable party, that would be a plausible reason for sanctioning the practice; but the innocent person may, and, in an even number of examples, does, suffer the most of the two; so that a man may be wrongly termed a liar, and be subsequently shot by his false accuser. If a man called me by that opprobrious epithet, I confess that if I were hurt enough to call him out for it, I should feel no "satisfaction" in *failing* to wound him; and still less

Winchilsea, but that a moment's reflection would have made him *feel* this to be the case, and I think his Second *must* have felt it. I mean, that it was beyond every chance in reasoning to suppose that Lord Winchilsea would have raised his hand against the life of the Duke of Wellington. Consequently, the Duke went to fire at a man whose very spirit of patriotism and loyalty, and whose noble feeling, had virtually disarmed him against an adversary who was, in the most pure and exalted sense of the term, the Hero of his country. View that unfortunate case as we may, it presents to us no phase in which it can be looked at in the least degree palliatively; while, as an example set by such a man, it demands, more than any other on record (the Duke of York was, at all events, the *challenged* party) the most unqualified reprobation; while looking at it for a moment in its *possible* result, what better spectacle does it exhibit than the wretched and contemptible one of the Conqueror of Waterloo, and the foremost man of all this world, at the age of threescore years, losing his life in a duel of his own most needless seeking.

* Nevertheless, there is at all times much that has the appearance of mockery, in even the strictest and sincerest "*orders*" on the subject of duelling; for in no case of duel, unaccompanied by ungentlemanly conduct, are the Articles of War supported by the higher authorities; and though a court-martial is left no option but to award cashiering, on a due conviction before it of fighting or provoking to a duel, yet the remission of the sentence is looked upon by the army as a thing of course, and the mandate of the

should I be "satisfied" by his wounding me, and escaping with impunity; while, in either case, if I really were what he denominated me, before we went out, I must necessarily feel convicted of continuing to be so, in spite of the exchange of a couple of shots, one of which might touch my body, but could not possibly affect my veracity; so that, although my honor might be said to be satisfied, my conscience must remain as uneasy, and my mind as degraded, as they respectively were from the moment I uttered the untruth with which I had been stigmatized.

Articles thereby acknowledged, by the Sovereign and those commanders in chief who represent her, to be much more honoured in the breach than in the observance. As a contrast to this most pitiable method of promulgating a virtuous and a salutary law, and yet scrupulously and elaborately neutralizing it in practice, take the following decisive procedure of the American President Jackson, himself a soldier, and a man of proven courage.

Navy Department, March 13, 1830.

Sir,—It has been proved to my satisfaction, that Lieutenants Edmond Byrne and Hampton Westcott, passed Midshipman C. H. Duryee, and Midshipman C. G. Hunter, of the navy of the United States, were recently concerned in a duel, which took place between the last named officer and Wm. Miller, jun., of Philadelphia, which resulted fatally to the latter. I respectfully recommend to you that the names of the said officers, E. Byrne, H. Westcott, C. H. Duryee, and C. G. Hunter, be erased from the list of officers of the navy of the United States.

I am, very respectfully, &c.

To the President of the United States.

JOHN BRANCH.

Let the above-named officers of the navy be stricken from the roll.

March 31.

ANDREW JACKSON.

When mutual apologies are made, or disclaimers given, they are commonly insufficient to clear *both* the parties from wilful misrepresentation previously; for, after exchange of shots, the aggressor perhaps retracts, by some such expression as, that he was misinformed, or led into a mistake; although, even if he thought so, it is plain the conviction could not have been brought to his mind by his adversary's fire; and hence what are called explanations at that stage of the business are ordinarily mere evasions and patchwork to supersede the necessity of continued firing.

I am, of course, fully aware that custom may be pleaded in answer to, or at least in impediment of, nearly all the foregoing line of argument; but the abolition of *that custom* being the end I have in view, I could not see any more probable method of attaining that end than by completely exposing its fallacies, and suggesting a remedy to those who are the most able, and, I hope, not the least willing, to supply a powerful hand to its total extinction. Though I have made it a rule, in this essay, not to adduce any instances of duelling for the mere sake of amusing the reader; yet there is one instance, of a sadly fatal character, which I consider to be deserving of particular comment here, it having made a deep impression upon the public at the time of its occurrence; and which, though it might have been seized upon as forming an opportunity for decisive steps to root out the practice of

the duel, was yet so contrived as actually to countenance and encourage its continued adoption, more than any other single case within my recollection. I allude to the most unfortunate encounter between Major Campbell and Captain Boyd. The very rigour which it was deemed fitting to exercise in respect to the former, was exercised so obviously (it matters not that a different reason was expressed) because the duel was taken to have been *unfairly* conducted; and it was so generally understood that the then survivor would have escaped the terrible penalty of the criminal law, had he slain his adversary in a manner consonant to the established rules of duelling—that is, in the presence of witnesses, and under a cooler and more methodical arrangement—that the awful example made of him had no other corrective tendency than to discourage *private* duelling; while, by an unavoidable inference, it gave an almost avowed sanction to the ordinary practice. It used to be the general opinion—and, so warranted, no wonder that it continues to be so—that to kill an antagonist in what should be recognised as a fair duel, would not be viewed as *murder* in the highest quarter, even if the verdict of a jury should pronounce it to be so; and a case of this latter description occurred between two officers some years ago, where the murderer and the seconds were pardoned by the King, though convicted, and sentenced to death, by the civil court which tried them. I am far from insinuating that

his then Majesty made an unjust use of his merciful prerogative ; but the case differed very immaterially from the one first recited, save in the fact of its having taken place in the presence of other parties, and been thus freed from the suspicion of absolute unfairness. Upon this principle, *that* crime is taken to be the lightest in which the greater number of persons are implicated—a doctrine which would be exclaimed against as monstrous if applied to any other instance ; and compassing a violent death, in the causes of which only two persons are concerned, shall be more surely punished in the survivor, than a like catastrophe of which four or five may have abetted the perpetration ! Such a complete and odious mass of inconsistency I do sincerely believe my suggestions are of a nature to annihilate, if brought into practice by those who have the power to command and to enforce them ; and who would, by the abolition of the duel, cause to accrue to themselves a name in the rolls of the benefactors of their kind, only inferior to what have been gained by the eradication of slavery in all places within the British Empire.

I abstain from any particular notice of the late unhappy case in which Colonel Fawcett fell, although to it has been owing the revival of public feeling against the practice ; but I may observe, *obiter*, that the unfortunate Munro (whose letter to Mr. Duncombe is calculated to

excite our utmost compassion for him) was most injudiciously advised, in a course of action which caused him not to surrender and take his trial as soon as the coroner's inquest was over; for it is certain that he must have *then* been acquitted for want of evidence, whatever might be the issue now that Mr. Grant is in a position to be produced against him—and even now I would recommend him to surrender himself, and take the chance, rather than live in perpetual banishment from his country. I may farther remark, that none of the discussions in parliament which this duel has occasioned, will be found operative in any great degree as a practical discouragement of duelling; for I have not the smallest doubt that almost every member who takes part in those debates would go out to-morrow, under the usual circumstances of such cases, just as he would have done a year ago; and in regard to the enlarged article of war on the subject, it is like using a penknife to cut down an oak, instead of applying an axe to the root of it. In the first place, it is a radical error to make an officer only *liable* to be cashiered, for sending, accepting, or in any way promoting a challenge; for if it be not made *imperative* on a court-martial to pronounce the penalty, on conviction of the offender, they will never do it unless in cases where the conduct of the party has been really dishonorable; and not only should

the award be imperative, but it should be declared to disqualify the offender from ever again serving her Majesty in any capacity whatever; and this punishment should be declared awardable on the mere proof of the fact, without any reference to the merits of the case, or the consideration of any palliative circumstances; because if once a door is opened to *that*, the extreme penalty would never fall on any one who had great connexional or political interest. As to the rest of the new article, I must say that the pen which drew it out could not have been dipped in anything stronger than milk and water; for it not only in effect allows of a second's going to the field (the very thing to be strictly prevented) by mitigating his punishment in case it appear that he had previously exerted himself to reconcile the parties; but it proceeds, in a strain that would do for a set of school-boys to be addressed in by their tutor, against breaking bounds, to say that Her Majesty will approve of officers being willing to receive or make an apology, or to refer the dispute to a commanding officer; instead of firmly declaring unavertable dismissal from the service to be the doom of any one who takes any step whatsoever towards a duel, be the provocation what it may. For this, the only effectual mode of dealing with the subject, let it on all hands be considered that "bygones shall be bygones," and thus let us get rid of the idle reasoning, that because the commander-in-chief, or the premier, or

other high official, may have heretofore sent challenges, therefore they cannot aid in punishing subsequent transgressors; for if this argument was taken to be worth anything, those functionaries should resign posts in which *their* incumbency prevented a due execution of a stringent law. But let a new system be entered on. Let there be no retrospection, no pleading of examples which must necessarily be bad ones; and it may be relied on that from the moment some officer of rank and repute—like the Marquis of Londonderry, for instance—is *dismissed* for sending, or accepting, or having any share in a challenge; or some person of influential position, like Lord Cardigan, *transported* on conviction of having fought a duel; there will be a complete stop put to the practice, which assuredly will *never* be the case so long as the chances of impunity are at all calculable, even though they may be considerably reduced. I repeat, that the new article of war is useless, and carries on the face of it *proof* to all military men, who know how those things are managed, that the framers of it are not in real earnest.

While this pamphlet is going through the press, I observe (*Times*, March 15th) that a special debate has taken place on the subject, in the House of Commons, on a proposed resolution of Mr. Turner's against the practice. The resolution itself was justly enough opposed, for it was a watery and a useless disclaimer to put into

the mouth of Parliament, which ought either to legislate specially for the offence, or do nothing. In the course of the debate, or rather discussion, however, several punitive suggestions were made, which entirely concur with the principle of the foregoing propositions; though the feeling seemed to be, that a party killing another in a duel should not suffer *death*. I do not see, though, with what consistency this extreme penalty can be taken from *such* homicide, so long as it is applied to what the law defines to be murder; for only look what a doctrine you let in, if you thus legislatively declare a slaying in a duel *not* to be murder! What else can you declare it to be? It is too cool a transaction to be classed with manslaughter. It cannot be brought under the species "se defendendo," for *that* is only when a man is guarding his life against an assailant whose attack he cannot prevent, but not against one whom he deliberately goes out to shoot at himself. It cannot be called "per infortunium," for there is design in the firing, whether that design be against *life* or not, as it must always constructively be taken to be, and as it necessarily is against the opponent's person, to *some* maiming extent. Justifiable homicide, of course, it may not be termed; and so what is it to be called, if not murder; and should it not, therefore, be dealt with accordingly? Transportation, or long imprisonment with labour, should be awarded against the felonious act of fighting even a bloodless

duel; and the mere sending or accepting a challenge, even where no meeting ensues, should be dealt with by heavy fines, or imprisonment, or both; and the minimum infliction of both should be declared, and should be awardable without reference to the merits of the case, as no palliative pleas should be let in. The bearers of challenges, or "friends" acting in any way in the arrangement of a meeting, should be dealt with strictly as principals; and, *a fortiori*, so should "seconds" in the field. I am very sorry to see Sir Robert Peel so much opposed to legislative interference; because, though his reasons are plausible, they are not at all sound. Even by his own showing, the feeling of all the better part of society is against duelling; and can he doubt, therefore, that such feeling would support a severe punishment of the offence? The truth is, that public feeling, in this case, requires to be countenanced and strengthened by a declaratory and penal law; for the want of *moral* courage is so great among us, that unless there be some severe and *inevitable* punishment for sending or accepting a challenge (be even *more* severe with the sender) as a ground for abstaining, the evil will not be rooted out. You see, Lord Cardigan, the other day, had a very valid plea for refusing to meet Lord William Paget, because certain legal proceedings had compromised the former's position in respect to duelling; and no man thought of reproaching him for the refusal

on that ground. But, to make even a penal law quite effectual, it must extend to all British subjects who proceed to fight out of the kingdom, by declaring the penalty infictible (on conviction) the moment they are found again within the British territory. I am quite persuaded that Sir Robert Peel's argument against Courts of Honor are insufficient and fallacious. In the army and navy they could be at once ordered and enforced, by an article of war; and as society takes the tone, a good deal, in such matters, from those professions, why, similar tribunals, if constituted by law, would quickly be promoted by public opinion. The fact of the matter is that Sir Robert is not in earnest about it; and, what is still more lamentable, the Duke of Wellington is not so, neither; and *there* lies the whole present difficulty. His Grace could banish the practice from the army, at all events, by *a word* spoken as he would well know how to speak it; but, so far from doing that, he does not even give the sort of negative sanction to the extirpation of the vice, which would be contained in his enrolling himself with the association for discountenancing it, though great would be the moral weight of his name and character to that praiseworthy union.

In conclusion: there are but two points about which I feel uneasy, as the author of this paper. One is, that I may not have urged all the best arguments in support of my proposition; the other, that such as I have employed

may have been fatally weakened by my unskilful endeavour to adapt them to my purpose. Both these circumstances being the fault of the writer, and not of the subject, I am very desirous of deprecating opposition to the project on account of its unmasterly discussion by its advocate; and I accordingly entreat, that if I have not proposed the best and most feasible remedy, or have not rendered my arguments sufficiently unanswerable, the evil itself may not, therefore, be disregarded, but rather the deficiencies of its opposer supplied; and that the skill of the abler physician may not be withheld from the cure of the acknowledged disease, because a less expert one may have failed to banish it. Above all, I trust that the press will continue to apply its always resistless (when well directed) power to the object I have proposed; and that it will aid in the accomplishment of that object, not only by general recommendation and frequent discussion, but by noticing always, in terms of ridicule and contempt, every duel that may be heard of; so that the parties to the transaction may ever be exhibited, not as heroes, but as fools, or braggarts, to a despising public;

For well-timed ridicule will oft prevail,
When stern reproofs, or milder precepts fail.

And let our novelists abjure the bad practice of giving *éclat* to their heroes by getting them into duels (which the readers are well aware will never prove dangerous

to the said heroes!) a practice for which the Prince of Novelists is deeply responsible; for I do not believe there is one of the Waverley Novels, into which a modern duel could be synchronically introduced, which does not contain one, and so wrought up as to excite at once the reader's interest in the hero, and high approval of his conduct. How easily might the same genius have made a ludicrous or a revolting exhibition of the custom, keeping his chief characters out of it, and rendering it an object for the reader's reprobation! But now that public opinion and feeling are prepared for the eradication of the evil, how thoroughly contemptible, vicious, and absurd (according to the phase in which it should be held up to view) might not the duel be rendered, by the powers of such writers as Dickens, Lover, and James. A touch or two of Boz's would render it as ridiculous as the Miss Kenwig's tails, or Mrs. Nickleby's love fancies.

TITUS.

“HOUSE OF COMMONS, FRIDAY, MARCH 15.—*Duelling*.—Captain Polhill gave notice, that when the honorable member for Truro brought on his motion for leave to bring in a bill to repress the practice of duelling, he should move as an amendment that it is the opinion of this House that it is inexpedient to interfere with the existing law on the subject, which was already sufficiently stringent—(a laugh).”

Well might there be a “laugh” at such a proposition as this of Captain Polhill’s; unless, indeed, our pity were excited, rather than our laughter, at such a state of the reasoning powers as it evinces. Why, what *practical* law, stringent or not stringent, does there exist against duelling, except that which would hang the survivor of a meeting without seconds, and either proved or strongly inferred to have been *unfair* on the slayer’s part, as in the case of Major Campbell? Did Captain Polhill ever know, or hear, or read, of a gentleman’s being hanged for having “killed his man” in the conventionally allowable form, even when (as in a wretched case in which the late Sir Ralph Gillespie was concerned) the parties fired across a handkerchief. And what “stringent” law is there in practice, against the fighting a duel that proves bloodless, or where no mortal wound has been given?—or what law against sending, accepting, or being the bearer of a challenge?—“Sufficiently stringent!” If Captain Polhill should be so wanting in common judgment and feeling as to still bring forward such a motion, I hope he will exhibit, ere too late, the atoning virtue of giving his own vote against it.



